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Appl. No. 10/620,500
Reply to Office Action of March 04, 2005



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Application No. 10/620,500
Art Unit: 2841
Filed: July 16, 2003
Examiner: Randy W. Gibson

Pleasant Hill, CA 94523

Mr. Randy W. Gibson
Commissioner for Patents
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Mr. Gibson,

In response to the Official Action dated March 04, 2005, please consider my following response.

You rejected claims 1 through 24 under 35 U.S.C. § 102 as being anticipated by Haberl (U.S. Patent 4,266,263).

My understanding of U.S. Patent 4,266,263 is that

1. Haberl uses a capacitive measurement (Claim 1)
2. Haberl uses the same material for the entire force measuring capacitor, i.e. the connector and sensor areas are made out of similar material (Claim 15-24)
3. Haberl uses multiple electrodes with the goal of increasing sensitivity (Col 9, lines 59-67) and not to render the device flexible. Similarly, the electrodes are chosen to be material compatible, not to render the device flexible.
4. In Col. 10, lines 3-16, Haberl uses a grid to locate the pressure points not to render the weighing device flexible
5. In Col. 10, lines 17-22, Haberl uses a grid to monitor local impact forces and not gather the total force
6. The degree of flexibility has, for Haberl, not been mentioned, e.g. the capacitor cannot be folded.

With respect to points 1-6 respectively, I would like to mention the following:

1. I used resistive (Claim 22) measurements and not capacitive. In 1978, it would have been impossible to fabricate doped rubber for resistive measurements with

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the right doping concentration. This allows me to make it portable and truly foldable.

2. I tailored the material, i.e. I used different materials for the flexible connection and the sensors: it is illustrated as the “difference between sensors connected flexibly by a packaging material or cables (Claim 23 and Fig. 6) and one unique sensor with a grid of electrodes.
3. Multiple electrodes are used to allow the insertion of connectors between them which in turn are rendering the weighing device flexibly connected. There is no impact on sensitivity, linearity since it is a resistive measurement and not a capacitive measurement.
4. I do not intent to locate an object but to compute the total weight from the different sensor elements.
5. I used instantaneous signal not to measure instantaneous forces (Haberl, claim 24), but to average over time to measure the average weight of an object/person in motion.
6. I described a weighing device that can be rolled up/folded due to the combination of flexible sensor, electrodes and display. Whereas the sensor could be elastomeric in 1978, the electrodes (conductive ink) and the display (flexible organic light emitting diode) were certainly not available to the degree of flexibility allowing foldability, i.e. if Harbel's intent was to make a flexible foldable weighing device, it would not have been possible to reduce the idea to practice in 1978.

In view of the above, I believe that I could not have anticipated the realization of a resistive foldable weighing device based on Haberl's patent. Therefore, I would like to submit that the claims are not in violation with 35 U.S.C. § 102. Reconsideration of the rejections and objections is requested. Thank you very much for your feedback.

Since this document constitutes my first response to an office action, I would like to ask for your indulgence. Thank you.

Respectfully,



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